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City Council

Legislative Bulletin

An Official Publication of the Hilliard City Council

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ORDINANCES

The following Ordinances were passed by Hilliard City Council on June 10, 2013.

13-14 REZONING 5.81+/- ACRES OF LAND LOCATED ON THE NORTH SIDE OF CEMETERY ROAD OPPOSITE LUXAIR DRIVE FROM B-2 "COMMUNITY SHOPPING CENTER" AND M-2 "LIMITED INDUSTRIAL" TO A PLANNED UNIT DEVELOPMENT ("PUD").

WHEREAS, Margulies, Margulies and Margulies (collectively, the "Owner") owns approximately 5.81± acres of land located on the north side of Cemetery Road opposite Luxair Drive, identified as parcel numbers 050-000157, 050-002094, and 50-000864 by the Franklin County Auditor's Office (the "Property"); and

WHEREAS, the Owner submitted application number 12-0052LC with the Planning and Zoning Commission to rezone the Property from its current classifications of B-2 "Community Shopping Center" and M-2 "Limited Industrial" to that of a "PUD" Planned Unit Development district (the "Landmark Lofts PUD"); and

WHEREAS, the Landmark Lofts PUD will permit a maximum of 181 multiple family dwelling units, a 7,000 square foot community building and 17,000 square feet of retail/commercial uses; and

WHEREAS, the proposal will increase residential density in Old Hilliard, redevelop under-utilized properties, create an appropriately scaled pedestrian-friendly environment, increase vehicular and pedestrian connections with adjacent properties, and provide for a mix of commercial, office, and residential uses consistent with the City's Comprehensive Plan; and

WHEREAS, the development layout reflects the realignment of Franklin Street to intersect opposite of Luxair Drive and Cemetery Road, and calls for the newly realigned Franklin Street to be a publically dedicated roadway; and

WHEREAS, pursuant to Section 1179.07(c) of the City's Codified Ordinances, the Owner or Developer is required to pay a fee-in-lieu of donating 5.1 acres of parkland to the City, as such acreage is not available on-site to donate for park purposes; and

WHEREAS, on March 14, 2013, following a public hearing, the Planning and Zoning Commission voted to forward a positive recommendation to City Council to rezone the Property to "PUD" Planned Unit Development.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio that:

SECTION 1. The 5.81+/- acres of land located on the north side of Cemetery Road, opposite Luxair Drive, the graphical exhibit and legal description of which are **attached** hereto as Exhibits "A" and Exhibit "B" respectively, and incorporated by reference herein, is rezoned from B-2 "Community Shopping Center" and M-2 "Limited Industrial" to "PUD" Planned Unit Development pursuant to Chapter 1157 of the City's Codified Ordinances.

SECTION 2. The Development Plan dated April 4, 2013 and Development Plan Text dated April 3, 2013, **attached** hereto as Exhibits "C" and "D" respectively (collectively, the "Landmark Lofts Planned Unit Development"), and incorporated by reference herein, are approved.

SECTION 3. Pursuant to Section 1179.07(c) of the City's Codified Ordinances, the Owner or Developer is required to pay the City a fee-in-lieu of donating 5.1 acres of parkland to the City, prior to the issuance of a building permit.

SECTION 4. This Ordinance shall be in full force and effect from and after the earliest period provided for by law.

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13-19 AUTHORIZING THE CITY'S DIRECTOR OF PUBLIC SERVICE TO WAIVE PAYMENT OF WATER CAPACITY FEES AND WATER TAP FEES FOR WASHINGTON TOWNSHIP IN CONNECTION WITH EXTENDING PUBLIC WATER SERVICES TO HOMESTEAD PARK, AND DECLARING AN EMERGENCY.

WHEREAS, by the adoption of Resolution No. 13-R-44, the City of Hilliard expressed its support to Washington Township ("Township") of its desire to annex Homestead Park ("Park"), into the City of Hilliard, in order to receive public water services through the City's service agreement with the City of Columbus; and

WHEREAS, Washington Township desires to quickly provide Park visitors with a consistent source of clean water and to terminate the use of wells for its water supply; and

WHEREAS, Resolution No. 13-R-44 also expressed City Council's willingness to waive payment by the Township of water capacity fees and water tap fees (collectively, the "fees") required by city code due to the financial burden that payment of such fees would cause the Township; and

WHEREAS, Section 945.15(i) of the City's Codified Ordinances ("Code") permits City Council to authorize the City's Public Services Director to waive the charge and collection of these fees in circumstances where payment would cause imminent hardship, and in unusual circumstances; and

WHEREAS, City Council supports Homestead Park as a unique recreational asset that is used by many Hilliard residents, and finds that waiving payment of the fees would not be detrimental to the City, and is in the City's best interest; and

WHEREAS, emergency passage of this Ordinance is necessary in order that the Township meet a state mandate to provide a consistent source of clean water to Park patrons, and which emergency passage is needed for the immediate preservation of the health, safety, a general welfare of the City's citizens.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio, that:

SECTION 1. Pursuant to the authority granted to it in Section 945.15(i) of the City's Codified Ordinances, and predicated upon Washington Township annexing Homestead Park into the City of Hilliard by December 31, 2013, City Council authorizes the City's Director of Public Service to waive the payment, from Washington Township, of water capacity charges and water tap fees for the extension of a water line to Homestead Park, as such fees are defined in Chapter 945 of the City's Code and identified in Chapter 190 of the City's Code.

SECTION 2. If the Township fails to annex the Park and other required land into the City's corporate boundaries by December 31, 2013, then the charge, payment and collection of such fees is not waived and the Director of Public Service shall charge and collect such fees as required by Code.

SECTION 3. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety or general welfare. Emergency passage is necessary in order that a consistent source of clean water is provided to Homestead Park and its patrons, which park will be annexed into the City.

13-23 ACCEPTING THE APPLICATION FOR ANNEXATION OF 10.4 ±ACRES LOCATED IN NORWICH TOWNSHIP, FRANKLIN COUNTY, OHIO; ASSIGNING A ZONING CLASSIFICATION TO THE PROPERTY; AND DECLARING AN EMERGENCY.

WHEREAS, on February 4, 2013, pursuant to Ohio Revised Code Section 709.023, a Petition for Annexation of 10.4± acres in Norwich Township, Franklin County, Ohio to the City of Hilliard was filed with the Franklin County Commissioners by attorney Thomas L. Hart, Esquire on behalf of the Darby Oaks Family Farms, LLC., a copy of which is **attached** hereto as Exhibit "A", notice of which was duly served upon the City of Hilliard as prescribed by law; and

WHEREAS, pursuant to Ohio Revised Code §709.023(C) the City of Hilliard adopted Resolution No. 13-R-17 on February 25, 2013, which Resolution indicates the type and scope of services the City of Hilliard will provide to the territory upon annexation to the City; and

WHEREAS, on February 25, 2013 a certified copy of Resolution No. 13-R-17 was delivered to the office of the Clerk of the Franklin County Commissioners; and

WHEREAS, the Petition came on for public hearing before the Franklin County Board of County Commissioners on March 12, 2013; and

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Ordinance 13-23 (continued)

WHEREAS, pursuant to an action of the Franklin County Commissioners after that hearing the Clerk of the Board of County Commissioners entered on the journal of the Board an order approving the annexation according to law, certified the transcript for the proceeding in connection with the annexation and filed it with the Clerk of Council of the City of Hilliard on March 18, 2013; and

WHEREAS, pursuant to Ohio Revised Code §709.04, the Clerk of Council is required to place before Council the annexation documents at the next regular meeting of Council following the expiration of 60 days from the receipt by her; and

WHEREAS, City Council is required to accept or reject the Petition for Annexation within 120 days thereafter; and

WHEREAS, Section 1113.03 of the City's Codified Ordinances requires that the City assign the newly annexed property a zoning classification that most resembles the property's zoning classification immediately prior to annexation; and

WHEREAS, emergency passage is requested because the Owner has provided a limited window of opportunity to annex this property into the City, all for the preservation of the public peace, health safety and welfare of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio, that:

SECTION 1. The proposed annexation of 10.4± acres from Norwich Township, Franklin County, Ohio to the City of Hilliard, a petition for which was filed with the Board of County Commissioners, Franklin County, Ohio on February 4, 2013, and approved by the Board of County Commissioners on March 12, 2013, be and the same is **hereby accepted**. The petition is **attached** hereto as Exhibit "A" and graphically depicts and describes the territory that is the subject of the annexation, which Exhibit is incorporated herein. The certified transcript of the proceedings of the County Commissioners is on file with the Clerk of Council of the City and has been for more than sixty (60) days.

SECTION 2. The 10.4± acres shall be assigned the zoning classification of "RR" Restricted Residence for low-density residential development with lot acres and lot widths characteristic of rural residential development.

SECTION 3. The Clerk of Council is hereby authorized and directed to make three (3) copies of this Ordinance, to each of which shall be attached a copy of the map accompanying the Petition for Annexation, a copy of the transcript of the proceedings of the Board of County Commissioners relating thereto and a certificate as to the correctness thereof. The Clerk of Council shall then deliver one copy to the County Auditor, one copy to the County Recorder, and one copy to the Secretary of State and shall file notice of this annexation with the Board of Elections of Franklin County within thirty (30) days after it becomes effective, and further the Clerk of Council shall do all other things with respect to the action taken by this Ordinance as may be required by law.

SECTION 4. This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the general safety, health, and welfare of the City of Hilliard. Emergency passage is necessary to ensure the continued performance by the municipality of its constitutional duty of local self-government and for the reasons stated in the preamble hereinabove. This Ordinance shall be in full force and effect from and after the earliest period provided for by law.

RESOLUTIONS

The following Resolutions were adopted by Hilliard City Council on June 10, 2013.

13-R-45 AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT FOR THE ALT FIELD WATER TOWER REHABILITATION PROJECT (CIP W-20).

WHEREAS, the Department of Public Service has conducted its annual inspection of water towers in the City of Hilliard and has identified those needing rehabilitation; and

WHEREAS, those water towers needing rehabilitation are identified as CIP W-20 "Water Tank Painting", of which the Alt Field Water Tower Rehabilitation Project is included (the "Project"); and

WHEREAS, the Project is identified as a Level One Capital Improvement Project for 2013, which must be implemented for the health, safety and welfare of the City and its residents; and

WHEREAS, in order to provide the services needed for the Project, the City reviewed state term contracts and received proposals pursuant to the National Joint Powers Alliance (NJPA) EZIQC Ohio State Contract No. OH03GA-080311-LUS; and

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Resolution 13-R-45 (continued)

WHEREAS, after reviewing these proposals, the City has determined that The Lusk Group is available and qualified by work experience to complete the Project, in a contract amount not to exceed \$148,180.28; and

WHEREAS, a contingency in the amount of \$14,818.03 is available to cover approved change orders; and

WHEREAS, funds in the amount of \$205,400 were appropriated for CIP W-20 in the 2013 Capital Improvement Budget by Ordinance No. 12-66 passed by Hilliard City Council on January 14, 2013, and pursuant to Section 3.10 of the Charter of the City, authorization to fund this Project is established by resolution of Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

SECTION 1. An expenditure is authorized in the amount of \$177,816.34 from Fund 304, Object 55.

SECTION 2. The Director of Public Service is authorized to enter into a contract with The Lusk Group for the Alt Field Water Tower Rehabilitation Project, identified as part of CIP W-20, in a contract amount not to exceed \$148,180.28, with authorization to approve change orders in an amount not to exceed \$14,818.03.

SECTION 3. The Finance Director is authorized to pay the cost of necessary city staff construction inspection services for the Project from Fund Number 304, Object 55 in an amount not to exceed \$14,818.03.

SECTION 4. The Finance Director is authorized to make any accounting changes to revise the funding source for any contract or contract modification associated with expenditure of the funds.

SECTION 5. This Resolution is effective upon its adoption.

13-R-46 AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT FOR THE 2013 STREET MAINTENANCE AND REHABILITATION PROGRAM AND AUTHORIZING THE EXPENDITURE OF FUNDS.

WHEREAS, the Department of Public Service has conducted its annual inspection of streets, alley and sidewalk ramps in the City of Hilliard and has identified those needing repair and maintenance; and

WHEREAS, those streets and ramps needing repair are identified as CIP T-121 "Citywide Street Rehabilitation and Curb Ramps" ("CIP T-121"), and those alleys needing repair encompass CIP T-122 (collectively, CIP T-121 and T-122 hereinafter referred to as the "Project"); and

WHEREAS, the Project is identified as a Level One Capital Improvement Project for 2013, which must be implemented for the safety and well being of the City and its residents; and

WHEREAS, the City Engineer's estimated cost for the base bid of the Project is \$900,000 and the estimated cost of four Alternates is \$575,000; and

WHEREAS, after having been duly advertised as permitted under Section 7.16 of the Ohio Revised Code, including notice in a newspaper of general circulation and on the State Public Notice website, bids for the contract were publicly opened and read aloud at 2:00 p.m., May 9, 2013 and Strawser Paving Co., Inc., which submitted a base bid in the amount of \$840,977.26, was determined to be the lowest and best bidder on the base bid ("Contractor"); and

WHEREAS, the City has elected to award Alternate A-1 to the Contractor in the amount of \$79,774.82; and

WHEREAS, a contingency in the amount of \$92,075.21 is available to cover approved change orders; and

WHEREAS, funds in the amount of \$1.12 million were appropriated for the Project in the 2013 Capital Improvement Budget by Ordinance No. 12-66, passed by Hilliard City Council on January 14, 2013, and pursuant to Section 3.10 of the Charter of the City, authorization to fund this Project is established by resolution of Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

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Resolution 13-R-46 (continued)

SECTION 1. An expenditure is authorized in an amount not to exceed \$1,047,134 from Fund 206, Object 55.

SECTION 2. The Director of Public Service is authorized to enter into a contract with Strawser Paving Co., Inc., for the 2013 Street Maintenance and Rehabilitation Program, which includes CIP T-121 and T-122, in a contract amount not to exceed \$920,752.08, with authorization to approve change orders in an amount not to exceed \$92,075.21.

SECTION 3. The Finance Director is authorized to pay the cost of city staff services to provide for construction inspection services required for the Project in an amount not to exceed \$34,306.71.

SECTION 4. The Finance Director is authorized to make any accounting changes to revise the funding source for any contract or contract modification associated with expenditure of the funds.

SECTION 5. This Resolution is effective upon its adoption.

13-R-47 AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH EMH&T TO PROVIDE GENERAL ENGINEERING SERVICES FOR ENVIRONMENTAL AND TRANSPORTATION CAPITAL IMPROVEMENTS PROJECTS.

WHEREAS, the following projects, i) Stormwater Water Management Program, CIP ST-32 (NPDES Year 11 Compliance), ii) Stream Restorations and Water Quality Improvements, CIP ST-38, and iii) Joint Storm Water Quality and Erosion Control Projects, ST-42; and iv) Hilliard's participation in multi-jurisdictional transportation improvement projects, CIP T-125, are all related and include environmental and transportation components (collectively, the "CIP Projects"); and

WHEREAS, these CIP Projects are defined in the 2013-17 Capital Improvement and have ongoing engineering service and design needs; and

WHEREAS, the City applied for and received an Ohio EPA 319(h) Grant in the amount of \$232,916 for a Stream Restoration Project that encompasses a portion of the Clover Groff Run in Hilliard's Municipal Park ("CIP ST-38"); and

WHEREAS, because the grant must be used for construction purposes, the City needs to pay for the preparation of construction plans, for which it needs the services of an engineering consultant; and

WHEREAS, in addition, the City requires the services of a qualified engineering consultant to provide various transportation-related engineering services to the City on an as-needed basis, identified as CIP T-125; and

WHEREAS, in December, 2012 the City's Engineering Division issued a Request for Proposal (RFP) to qualified consultants to provide professional engineering services to provide general engineering services to the City, with an emphasis on environmental and transportation engineering (collectively, the "Services"); and

WHEREAS, the City of Hilliard uses a Quality-Based Selection (QBS) process to evaluate proposals; and

WHEREAS, the Division of Engineering evaluated proposals and determined that EMH&T ("Consultant") is the most qualified to provide the collective Services based on their technical approach, experience in providing the requested services, and past performance; and

WHEREAS, because the City intends to design and construct projects under CIP's ST-32, ST-38, ST-42 and T-125 annually, and will need the general engineering environmental and transportation services on an on-going basis, the City desires to enter into an initial one-year contract with Consultant, subject to optional four, one-year renewals; and

WHEREAS, by the passage of Ordinance No. 12-66 on January 14, 2013, funds in the amounts of \$61,800 were appropriated for CIP ST-32; \$79,300 for CIP ST-42; \$50,000 for CIP T-125 in the 2013 Capital Improvement Budget, and pursuant to Section 3.10 of the Charter of the City, authorization to fund the Services is established by resolution of Council; and

WHEREAS, part of the funds appropriated for the aforementioned projects will also be used for CIP ST-38, as funding for stream restoration is a permitted use of water service funds collected by the City, which funds the City desires to re-supplement by the appropriation of additional funds later this year.

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Resolution 13-R-47 (continued)

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

SECTION 1. The Director of Public Service is authorized to enter into a Professional Services Agreement ("Agreement") with EMH&T in substantially the same form as the one **attached** hereto as Exhibit "A" and incorporated herein, to provide the Services in an amount not to exceed \$190,100. The Director of Public Service is authorized to make such changes to the Contract that are not inconsistent with this resolution and not adverse to the City, which shall be evidenced conclusively by his signature thereof that such changes are approved by Council.

SECTION 2. An expenditure is authorized from Fund 304, Object 55 to pay the costs and expenses of the Contract in a total amount not to exceed \$50,000.

SECTION 3. An expenditure is authorized from Fund 269, Object 55 to pay the costs and expenses of the Contract in a total amount not to exceed \$140,100.

SECTION 4. The Contract is for an initial one year period, and permits four, one-year renewals upon authorization by the Director of Public Service and subject to the appropriation of additional funds by City Council.

SECTION 5. The Finance Director is authorized to make any accounting changes to revise the funding source for any contract or contract modification associated with expenditure of the funds provided herein.

SECTION 6. This Resolution is effective upon its adoption.

13-R-48 AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AMENDED PROFESSIONAL SERVICES AGREEMENT WITH E.P. FERRIS & ASSOCIATES, INC., TO PROVIDE ADDITIONAL ENGINEERING SERVICES AS PART OF CIP LB-17 "THE HILLIARD STATION – FIRST RESPONDERS PARK: CENTER STREET AND TRAILHEAD IMPROVEMENTS" PROJECT.

WHEREAS, City Council authorized the final design phase for Hilliard's Station – First Responders' Park: Center Street and Trailhead Improvements" Project (identified as CIP LB-17, the "Project") by the adoption of Resolution No. 12-R-28 on June 11, 2012; and

WHEREAS, recent parkland acquisition of an additional parcel on Center Street provides for an additional public space area at the northeast corner of Center and Wayne Streets that is now an integral part of the CIP LB-17; and

WHEREAS, the City has identified additional improvements that need to be made, including alternative alignments, a porous pavement parking lot, parking lot lighting, provisions for water and electric outlets in the parking areas, design of a new public space which includes a utility building, paver access and a reinforced sod area with irrigation and landscaping (the "Additional Park Improvements"); and

WHEREAS, by the adoption of Resolution No. 12-R-28 on June 12, 2012, Hilliard City Council authorized the City's Director of Service to enter into a professional services agreement ("Agreement") with E.P. Ferris & Associates, Inc. ("Contractor"), in the amount of \$90,000 to provide design and engineering services for the first phase of CIP LB-17; and

WHEREAS, because the Additional Park Improvements are an integral part of CIP LB-17, the City desires to amend the Agreement to provide additional engineering and design work; and

WHEREAS, Contractor has provided the City with a costs breakdown to provide the engineering and design services for the Additional Park Improvements (the "Additional Services"), in the amount of \$105,500; and

WHEREAS, funds in the amount of \$45,000 were appropriated for CIP LB-17 in the 2013 Capital Improvement Budget by Ordinance No. 12-66 passed by Hilliard City Council on January 14, 2013, and

WHEREAS, funds were added to the 2013 Bond Package in the amount of \$2,000,000 for the purpose of designing and constructing CIP LB-17, and were appropriated for said uses by the passage of Ordinance No. 13-05 on March 11, 2013; and

WHEREAS, as both appropriations have been passed by Ordinance of Council, pursuant to Section 3.10 of the Charter of the City, authorization to fund this Project and the Services is established by resolution of Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

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Resolution 13-R-48 (continued)

SECTION 1. The Director of Public Service is authorized to enter into an Amended Professional Services Agreement ("Amended Agreement") with E.P. Ferris and Associates, Inc., in substantially the same form as the one **attached** hereto as Exhibit "A" and incorporated herein, to provide the Additional Services in an amount not to exceed \$105,500. The Director of Public Service is authorized to make such changes to the Amended Agreement that are not inconsistent with this Resolution and not adverse to the City, which shall be evidenced conclusively by his signature thereof that such changes are approved by Council.

SECTION 2. An expenditure is authorized from Fund 304, Object 55 to pay the costs and expenses of the Amended Agreement in an amount not to exceed \$105,500.

SECTION 3. The Finance Director is authorized to make any accounting changes to revise the funding source for any contract or contract modification associated with the expenditure of funds provided herein.

SECTION 4. This Resolution is effective upon its adoption.

13-R-49 AUTHORIZING THE CITY'S DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AMENDED DEVELOPER'S AGREEMENT WITH BRITTON PARKWAY GE, LLC AND AUTHORIZING AN EXPENDITURE.

WHEREAS, by the passage of Ordinance No. 12-48 on July 9, 2012, the Director of Public Service was authorized to enter into a Developer's Agreement ("Agreement") with Britton Parkway GE, LLC ("Developer") which Agreement required the Developer to make necessary public infrastructure improvements and to pay required fees prior to the issuance of a building permit; and

WHEREAS, the Director of Public Service has identified a need for mill and overlay work to be completed on Britton Parkway, north of All Seasons Drive up to Reynolds Drive (the "Additional Britton Improvements") immediately adjacent to the location where Developer is currently constructing public infrastructure improvements required by the Developer's Agreement; and

WHEREAS, the Additional Britton Improvements will avoid a gap in road improvements on Britton Parkway and is part of CIP T-121 "Citywide Street Rehabilitation and Curb Ramps" ("CIP T-121"); and

WHEREAS, the City desires to enter into an Amended Agreement to include the Additional Britton Improvements as a public infrastructure improvement that Developer will construct as part of its required public infrastructure improvements per the Agreement; and

WHEREAS, the Developer has agreed to make the Additional Britton Improvements, at a cost of \$73,265, conditioned upon being reimbursed for those costs; and

WHEREAS, it is in the best interest of the City and the Developer to cooperate in the paving of a segment of Britton Parkway, not within the Developer's project limits, as it provides for a more uniform set of final pavement markings and fewer joints between project limits, which extends the life of the resurfaced Britton Parkway; and

WHEREAS, funds in the amount of \$1.12 million were appropriated for CIP T-121 in the 2013 Capital Improvement Budget by Ordinance No. 12-66, passed by Hilliard City Council on January 14, 2013, and pursuant to Section 3.10 of the Charter of the City, authorization to fund this Project is established by resolution of Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

SECTION 1. The City's Director of Public Service is authorized to enter into an Amended Developer's Agreement, for construction of the Additional Britton Improvements and reimbursement to Developer in an amount not to exceed \$73,265, in a form substantially similar to the one **attached** hereto as Exhibit "A" and incorporated herein, with such non-material and/or non-adverse changes as may be deemed appropriate by the City's Director of Public Service, with his execution thereof on behalf of the City constituting conclusive evidence of Council's approval of any such changes.

SECTION 2. An expenditure is authorized in an amount not to exceed \$73,265 from Fund 206, Object 55.

SECTION 3. The Finance Director is authorized to make any accounting changes to revise the funding source for any contract or contract modification associated with expenditure of the funds.

SECTION 4. This Resolution is effective upon its adoption.

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13-R-50 AMENDING RESOLUTION NO. 11-R-53 AUTHORIZING CHANGES TO THE OHIO POLICE & FIRE PENSION FUND CONTRIBUTIONS ON BEHALF OF THE POLICE OFFICERS AND POLICE SUPERVISORS TO CONFORM THOSE CHANGES TO THE FINANCE DEPARTMENT PAYROLL DATES.

WHEREAS, Resolution No. 11-R-53 served as notice to the Ohio Police & Fire Pension Fund ("OP&F") that, pursuant to the collective bargaining agreement between the participating members of Capital City Lodge #9 and the City of Hilliard, changes in the manner in which "picked-up" pension contributions by the members and the City to OP&F were agreed upon; and

WHEREAS, the first change to the pension contributions occurred on July 1, 2011 with the second change to occur on January 1, 2012; and

WHEREAS, an increase in the officers' wages was scheduled to begin on January 1, 2012 with a corresponding change to the pension contributions on that same date, but because the beginning of the pay period for the first pay in January 2012 actually began on December 31, 2011, as is the practice of the City's Finance Department, December 31, 2011 was included in the wage rate increase and the pension contribution change; and

WHEREAS, a similar circumstance will occur for the wage rate increase and pension contributions for 2013; and

WHEREAS, in order to synchronize the payroll pay dates with the pension contribution dates, a change to Resolution No. 11-R-53 is necessary; and

WHEREAS, by virtue of its amendment to the manner in which the pension contributions are to be made as set forth in the collective bargaining agreement, the Hilliard City Council wishes to amend its prior resolution in order to continue the "pick-up" under the new procedures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

SECTION 1. In accordance with changes set forth in the most recent collective bargaining agreement with the Fraternal Order of Police, Capital City Lodge #9 and to conform those changes to the practices of the City's payroll department, as an amendment to Resolution No. 11-R-53, the following shall now apply:

- (a) Effective as of July 13, 2013, the City of Hilliard has determined to "pick-up" 10.75% of the ten percent (10.75%) mandatory contributions by the employees who are members of the Ohio Police & Fire Pension Fund by paying the contributions through a payroll reduction.
- (b) Effective July 12, 2014, the City of Hilliard has determined to "pick-up" 11.50% of the (11.50%) mandatory contributions by the employees who are members of the Ohio Police & Fire Pension Fund by paying the contributions through a payroll reduction.
- (c) Effective July 11, 2015, the City of Hilliard has determined to "pick-up" 12.25% of the (12.25%) mandatory contributions by the employees who are members of the Ohio Police & Fire Pension Fund through a payroll reduction.

SECTION 2. The "picked-up" contributions paid both through a payroll reduction and by the City of Hilliard, even though designated as employee contributions for state law purposes, are being paid by the City of Hilliard in lieu of the contributions being paid by the employee.

SECTION 3. The "picked-up" contributions will not be included in the gross income of the employees for tax reporting purposes, that is, for federal or state income tax withholding taxes, until distributed from the Ohio Police & Fire Pension Fund.

SECTION 4. The "picked-up" contributions will be included in the gross income of the employees, for employment tax purposes, as the contributions are made to the Ohio Police & Fire Pension Fund.

SECTION 5. The participating employees shall not be entitled to any option of choosing to receive the contributed amounts directly instead of having them paid by the City of Hilliard to the Ohio Police & Fire Pension Fund.

SECTION 6. This Resolution is effective upon adoption.

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13-R-56 AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PREPARE AND SUBMIT AN ENVIRONMENTAL COMMITMENT LETTER TO THE OHIO ENVIRONMENTAL PROTECTION AGENCY RELATED TO DEVELOPING THE BO JACKSON SPORTS COMPLEX IN HILLIARD MUNICIPAL PARK.

WHEREAS, by way of conducting a capital inventory and needs assessment, the City has determined that it is necessary and in the City's best interest to submit an environmental commitment letter ("Commitment Letter") to the Ohio Environmental Protection Agency ("Ohio EPA") for the planned Bo Jackson Sports Facility, which is to be located in Hilliard Municipal Park; and

WHEREAS, the Commitment Letter from the City is necessary in order to obtain a Notice of Intent from the Ohio EPA so that plans can proceed to develop the Site; and

WHEREAS, the Commitment Letter will include the City's resolve to undertake a Riparian Corridor/Watershed Protection Project, and a Water Quality and Stream Restoration Project affecting portions of Clover Groff Run that flows through Hilliard Municipal Park (collectively, the "Projects"); and

WHEREAS, the City's current Capital Improvement Program includes projects relating to developing the site for the Bo Jackson Sports Complex, and includes both of the Projects; and

WHEREAS, natural stream restoration and water quality improvements of the Clover Groff Run is consistent with the Big Darby Accord Plan, and will improve water quality, aquatic and terrestrial habitat of the ditch; and

WHEREAS, the City will also provide the necessary permanent conservation easement, as required on similar natural stream restoration and water quality improvements within the Big Darby Accord Plan area; and

WHEREAS, it is in the City's best interest to cooperate with Ohio EPA and the Developer of the Hilliard Bo Jackson Sports Complex to obtain a Notice of Intent from Ohio EPA for this project while elements of the design and construction are still underway; and

WHEREAS, the Director is authorized to make final adjustments to the commitment values (contained in the Commitment Letter) consistent with the further refinement of engineered solutions as it progresses to final design, and which meet the requirements of Ohio EPA's Big Darby Permit.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio, that:

SECTION 1. This Council authorizes the City, by and through its Director of Public Service, to prepare, sign and submit an Environmental Commitment Letter to the Director of the Ohio Environmental Protection Agency for the following public improvement project:

Project Description:

Site Development for the Bo Jo Jackson Sports Complex in Hilliard Municipal Park, including restoration of 1295 linear feet of an existing degraded and historically channelized segment of the Clover Groff Run, located south of Scioto & Darby Creek Road and on the western boundary of the Hilliard Municipal Park in the City of Hilliard, Franklin County Ohio. The Clover Groff Run is within the limits of the Darby Accord Plan area.

The City of Hilliard commits to provide the following mitigation associated with the construction of the Hilliard Sports Complex within a two year period unless otherwise specified:

A mitigation value of 7.72 Acres will be established in a conservation easement or environmental covenant for the intrusions within the designated setbacks depicted in "Ohio EPA's General Storm Water Permit associated with the Big Darby Watershed." This mitigation value is a reflection of current conditions in the event the stream restoration of Clover Groff Run Ditch does not proceed. In the event stream restoration is completed, the mitigation value would change from 7.72 Acres to 1.02 Acres. Attached is an exhibit for further clarification.

Mitigation must be provided to address the recharge deficit of 42.74 acre-in/year. Mitigation will be provided through the land conversions or structural controls acceptable to Ohio EPA.

Post construction water quality treatment will be provided for the site to address the Water Quality Volume (WQv) of 0.33 prior to permit termination. In the event onsite post-construction water quality treatment is not possible, Hilliard will clearly demonstrate the Best Management Practices (BMPs) listed in Table 2 are not feasible. As a result Hilliard commits to provide off-site mitigation for the Water Quality Volume provided the following criteria are met: (1) a maintenance agreement or policy is established to ensure operations and treatment in perpetuity; (2) the offsite location discharges to the same HUC-14 watershed unit; and (3) the mitigation ratio of the WQv is 1.5 to 1 or the WQv at the point of retrofit, whichever is greater.

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Resolution 13-R-56 (continued)

These mitigation values may change based on the dynamics of construction, however any changes must be agreeable in writing by Ohio EPA.

Erosion and sediment control will be provided for the area disturbed in associated with construction of the Sports Complex by the use of a sediment basin with a skimmer-outfitted outlet and a permanent pool equivalent to 37 cubic yards (CY) per disturbed acre and a drawdown volume of 134 CY per acre of drainage area tributary to the sediment basin.

A Stormwater Pollution Prevention Plan (SWP3) will be prepared in accordance with the Big Darby Creek Construction General Permit

In conjunction with pursuing a Permit to Install (PTI) for the site, an Environmental Site Management Plan (ESMP) will be prepared in accordance with the 208 Plan requirements of the Big Darby Creek Watershed.

SECTION 2. That all formal actions of this Council concerning and relating to the adoption of this Resolution were in an open meeting of this Council, and all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. This Resolution is effective upon its adoption.

13-R-58 APPROVING COUNCIL'S APPOINTMENTS OF ED CHESHIRE, JONATHAN HSU, BEVERLY MARSH AND CHRISTOPHER WARNER TO THE ENVIRONMENTAL SUSTAINABILITY COMMISSION.

WHEREAS, the Council of the City of Hilliard created the Environmental Sustainability Commission ("ESC") by Ordinance No. 11-01 on February 28, 2011; and

WHEREAS, the ESC is to consist of not less than seven (7) nor more than nine (9) volunteer members, all of whom shall be city residents and/or Hilliard City School District residents and qualified by experience and/or training in matters related to conservation such as: education, energy, civil construction/engineering, green building, landscape design, environmental engineering, transit, consulting, law, recycling/solid waste, air and water quality, and environmental health, and are appointed by City Council; and

WHEREAS, Ed Cheshire ("Mr. Cheshire") was appointed to the ESC for an initial two year term ending April 11, 2013 by Resolution 11-R-27; and

WHEREAS, the City Council desires to re-appoint Mr. Cheshire to the ESC for a new two year term ending April 11, 2015; and

WHEREAS, Mr. Cheshire has expressed his desire to accept such re-appointment to the ESC; and

WHEREAS, Jonathan Hsu ("Mr. Hsu") was appointed to the ESC for an initial two year term ending April 11, 2013 by Resolution 11-R-28; and

WHEREAS, the City Council desires to re-appoint Mr. Hsu to the ESC for a new two year term ending April 11, 2015; and

WHEREAS, Mr. Hsu has expressed his desire to accept such re-appointment to the ESC; and

WHEREAS, Beverly Marsh ("Ms. Marsh") was appointed to the ESC for an initial two year term ending April 11, 2013 by Resolution 11-R-28; and

WHEREAS, the City Council desires to re-appoint Ms. Marsh to the ESC for a new two year term ending April 11, 2015; and

WHEREAS, Ms. Marsh has expressed her desire to accept such re-appointment to the ESC; and

WHEREAS, Christopher Warner ("Mr. Warner") was appointed to the ESC to fill Michele Pershing's unexpired year term ending April 11, 2013 by Resolution 12-R-63; and

WHEREAS, the City Council desires to re-appoint Mr. Warner to the ESC for a new two year term ending April 11, 2015; and

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Resolution 13-R-58 (continued)

WHEREAS, Mr. Warner has expressed his desire to accept such re-appointment to the ESC.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

SECTION 1. Council's appointment of Ed Cheshire to the Environmental Sustainability Commission for new two year term ending April 11, 2015 is hereby approved.

SECTION 2. Council's appointment of Jonathan Hsu to the Environmental Sustainability Commission for new two year term ending April 11, 2015 is hereby approved.

SECTION 3. Council's appointment of Beverly Marsh to the Environmental Sustainability Commission for new two year term ending April 11, 2015 is hereby approved.

SECTION 4. Council's appointment of Christopher Warner to the Environmental Sustainability Commission for a new two year term ending April 11, 2015 is hereby approved.

SECTION 5. This Resolution shall be effective upon its adoption.

REMAINING 2013 HILLIARD CITY COUNCIL MEETING DATES

June 24 th	July 8 th	August 26 th	September 9 th
September 23 rd	October 28 th	November 25 th	December 9 th
December 23 rd			

To confirm meeting dates and times check the Calendar of Events on the City's website at

hilliardohio.gov